S.B. Civil Writ Petition No.3954/06

Amar Singh

Vs.

Dy. Secretary to the Govt. & Ors.

Date of Order : 25/05/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. C.P. Sharma, for petitioner

Instant petition has been filed against the order of Rajasthan Civil Services Appellate Tribunal, Jaipur dt.3rd April, 2006 [Ann.4] whereby the appeal preferred by the petitioner against the order of his transfer dt.27th March, 2006, has been rejected.

The facts which have come on record are that petitioner before passing order Ann.1 dt.14th July, 2005 has served in District Bharatpur for almost more than 6 years and was transferred to Bandikui vide order dt.14th July, 2005. Pursuant to which, he has not reported at the place of his posting and on the next very day i.e. 15th July, 2005 on the request of petitioner, he was called back to join at Bharatpur proper vice Shri Sohanlal Sharma. While he was working in pursuant to order Ann.2 dt.15th July, 2005, was transferred from Bharatpur to Bandikui vide order dt.27th March, 2006 vice Shri Sharma which was impugned by him by filing appeal before the Tribunal.

Learned Tribunal after taking into consideration the material, recorded a finding that petitioner remained posted in District Bharatpur for more than 6 years i.e. from the year 1999 to 2005 and joined at Bharatpur on his own request, earlier transferred from Bharatpur vide order dt.14th July, 2005 and without reporting for duty, he got fresh order of his posting

back at Bharatpur on 15th July, 2005 and thereafter, he has been transferred to Bandikui vide order dt.27th March, 2006. No malafide was alleged by the petitioner in regard to impugned transfer and action being in the interest of administration, there is no violation of any statutory rules. In the absence whereof, the Tribunal has not exercised its discretion to interfere in the administrative action of the Government and dismissed the appeal preferred by him.

Counsel for petitioner submits that petitioner joined at Bharatpur vide order Ann.2 dt.15th July, 2005 and in a short span of 8 months, he has been transferred back to Bandikui vide order Ann.3 dt.27th March, 2006. This action of the Government is malafide on their part.

In my opinion, the submission made by the counsel for petitioner, is bereft of any merit. For all practical purposes, he was never transferred to Bharatpur and vide order Ann.1 by which he was earlier posted, has not reported for duty and got his transfer at his own request back to Bharatpur vide order Ann.2 dt.15th July, 2005. Thus, it cannot be said that it is a transfer after short span of 8 months. Even otherwise, there is no malice alleged by the petitioner against the authority exercising its power to transfer him in the interest of administration. In the absence whereof, I do not find any error in the finding recorded by the Tribunal.

Consequently, the writ petition fails and is hereby dismissed.

[Ajay Rastogi],J.

FRB